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MATTHEW BRADLEY,)	DECLARATION OF DAN BOOTH IN
)	SUPPORT OF DEFENDANT
Plaintiff,)	ANALYTICAL GRAMMAR, INC.’S
v.)	MOTION TO EXCLUDE
)	UNDISCLOSED EVIDENCE AND
ANALYTICAL GRAMMAR, INC.,)	ARGUMENT ON DAMAGES AND
)	PROFITS UNDER FED. R. CIV. P. 37(c)
Defendant.)	
)	

PPAB 5720354v1

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA**

MATTHEW BRADLEY,

Plaintiff,

- against -

ANALYTICAL GRAMMAR, INC.,

Defendant.

Case No. 5:19-cv-00249-FL

PLAINTIFF MATTHEW BRADLEY
RULE 26(a)(1) INITIAL DISCLOSURES

Pursuant to Rule 26(a) (1) of the Federal Rules of Civil Procedure, plaintiff Matthew Bradley (“Bradley”) hereby provides the following Initial Disclosures. These disclosures are based on information reasonably available to Bradley at this time, and Bradley does not represent that it is identifying every document, tangible thing, or individual potentially relevant to this lawsuit. Bradley continues to investigate the claims in this action, and reserves the right to produce during discovery or at trial such data, information, or documents as are subsequently discovered, generated, determined to be relevant, or determined to have been omitted from these disclosures. Bradley also reserves the right to modify or supplement any or all of these disclosures.

Identity of Individuals Likely To Have Discoverable Information

The following persons are reasonably likely to have discoverable information that Bradley may use to support its claims in the above-captioned action. Bradley has not provided contact information where he does not have such information and/or such information is already known or otherwise readily available to Defendant.

<u>Name</u>	<u>Company Affiliation/Address</u>	<u>Expected Areas of Knowledge</u>
Matthew Bradley	<i>(contact only through counsel)</i>	<ul style="list-style-type: none"> • Knowledge regarding the creation and posting of the copyrighted photograph at issue.
Corporate Representative(s)	Analytical Grammar, Inc.	<ul style="list-style-type: none"> • Knowledge regarding Defendant's standards, practices, policies, guidelines, and budgeting for licensing of copyrighted materials. • Knowledge regarding Defendant's net worth, gross revenues, net profits, and number of total employees for year ending 2017 and 2018. • Knowledge regarding the creation of the post that contained Plaintiff's Photograph. (hereinafter "Photograph") • Knowledge regarding from where the Photograph was obtained. • Knowledge regarding the number of page hits the Website received. • Knowledge regarding the number of shares, links or linkbacks to the post.
Donna Halperin	Liebowitz Law Firm, PLLC (counsel only through counsel)	<ul style="list-style-type: none"> • Knowledge regarding the copyright registration of the work at issue.
Those subpoenaed or listed on Defendant's Initial Disclosures, and any Defendant's Supplemental Disclosures, any Defendant's amended initial disclosures, all individuals who have given or will give testimony in this case, any expert witnesses	Various	<ul style="list-style-type: none"> • Various

subsequently identified by Plaintiffs during expert discovery in this litigation, any and all experts or third parties relied upon by Defendant, all custodians and witnesses, all persons or entities referred in documents produced		
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Documents and Things in the Possession of Counsel or the Party

Plaintiff identifies the following categories of documents and things in its possession, custody or control that may be used to support its claims:

- The Photograph at issue.
- The United States Copyright Registration of the Photograph.

Statement of Basis for Damages

Plaintiff refers Defendant to the Complaint for an itemization of the types of damages suffered. As Plaintiff has not yet obtained discovery of Defendant's financial, sales and other relevant records, Plaintiff cannot make a reasonable estimate of the damages sustained or infringing profits he may recover as a result of Defendant's actions. Plaintiff reserves his right as to if he will seek actual or statutory damages.

Insurance Agreements in Force

Not applicable.

Identities of Experts and Their Opinions

At this time, Plaintiff has not yet retained an expert, but reserves its right to do so as discovery progresses.

Dated: Valley Stream, New York
October 23, 2019

LIEBOWITZ LAW FIRM, PLLC

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